

105TH CONGRESS
2D SESSION

S. 1580

To amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1998

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Venipuncture
3 Assessment Act of 1998”.

4 **SEC. 2. 18-MONTH MORATORIUM ON PROHIBITION ON PAY-**
5 **MENT FOR HOME HEALTH SERVICES SOLELY**
6 **FOR PURPOSES OF OBTAINING A BLOOD SAM-**
7 **PLE; REPORT.**

8 (a) MORATORIUM.—Section 4615(b) of the Balanced
9 Budget Act of 1997 (Public Law 105–33; 111 Stat. 475)
10 is amended to read as follows:

11 “(b) EFFECTIVE DATE.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the amendments made by subsection (a) apply to
14 home health services furnished after the 6-month pe-
15 riod beginning after the date of enactment of this
16 Act.

17 “(2) 18-MONTH MORATORIUM.—During the pe-
18 riod that begins on the date of enactment of the
19 Medicare Venipuncture Assessment Act of 1998 and
20 ends on the date that is 18 months after the date
21 of enactment of that Act, the amendments made by
22 subsection (a) shall not apply to home health serv-
23 ices furnished during that period. For purposes of
24 calculating the 6-month period described in sub-
25 section (a), any month (including any portion there-
26 of) in which the period described in this paragraph

1 is in effect shall not be included in such calcula-
2 tion.”.

3 (b) REPORT TO CONGRESS.—The Balanced Budget
4 Act of 1997 (Public Law 105–33; 111 Stat. 251 et seq.)
5 is amended by inserting after section 4615 the following:

6 **“SEC. 4615A. REPORT TO CONGRESS ON HOME HEALTH**
7 **BENEFITS BASED SOLELY ON DRAWING**
8 **BLOOD.**

9 “(a) STUDY.—The Secretary of Health and Human
10 Services shall conduct a study with respect to the provision
11 of home health services consisting of venipuncture under
12 title XVIII of the Social Security Act. In conducting such
13 study, the Secretary, using the most recent data available,
14 shall—

15 “(1) determine the number of beneficiaries who
16 are provided home health services under the medi-
17 care program;

18 “(2) determine the number of beneficiaries who
19 receive such services consisting of venipuncture;

20 “(3) compare the instances (including the costs)
21 in which the only home health service provided in a
22 home health visit is venipuncture solely for the pur-
23 poses of obtaining a blood sample and those in-
24 stances in which venipuncture is provided in such a

1 visit in conjunction with the provision of other home
2 health services;

3 “(4) in the case of beneficiaries who qualify for
4 home health services because venipuncture solely for
5 the purposes of obtaining a blood sample is a quali-
6 fying skill, compare the instances (including the
7 costs) in which the only home health service pro-
8 vided in a home health visit is venipuncture solely
9 for the purposes of obtaining a blood sample and
10 those instances in which no venipuncture is provided
11 in such a visit;

12 “(5) determine the costs of providing payment
13 for home health services consisting of venipuncture
14 solely for the purpose of obtaining a blood sample,
15 including in such determination an analysis of the
16 increase in such costs that are attributable to fraud
17 and abuse in the provision of, or billing for, such
18 services under the medicare program;

19 “(6) determine—

20 “(A) the costs to beneficiaries if payment
21 under the medicare program is prohibited for
22 home health services consisting of venipuncture
23 solely for the purposes of obtaining a blood
24 sample, and

1 “(B) the costs to States through poten-
2 tially increased use of personal care services
3 and nursing home placements if payment under
4 the medicare program is prohibited for home
5 health services consisting of venipuncture solely
6 for the purposes of obtaining a blood sample;

7 “(7) determine the number of beneficiaries that
8 will no longer be eligible for home health services be-
9 cause venipuncture solely for the purpose of obtain-
10 ing a blood sample is no longer treated as a qualify-
11 ing skill;

12 “(8) with respect to the beneficiaries deter-
13 mined under paragraph (7), determine the number
14 of such beneficiaries that subsequently receive home
15 health benefits because they qualify for such services
16 by reason of a qualifying skill other than
17 venipuncture solely for the purpose of obtaining a
18 blood sample; and

19 “(9) with respect to the beneficiaries deter-
20 mined under paragraph (7), particularly those that
21 reside in a rural area, determine the number of such
22 beneficiaries that subsequently—

23 “(A) are ineligible to receive home health
24 services under this title because they do not
25 qualify for such services by reason of a qualify-

1 ing skill other than venipuncture solely for the
2 purpose of obtaining a blood sample; but

3 “(B) become eligible for venipuncture serv-
4 ices under part B of this title.

5 “(b) REPORT.—Not later than 1 year after the date
6 of enactment of the Medicare Venipuncture Assessment
7 Act of 1998, the Secretary shall submit to Congress a re-
8 port consisting of the findings of the study conducted
9 under subsection (a).”.

10 (c) ADDITIONAL REQUIREMENTS FOR REPORT ON
11 DEFINITION OF HOMEBOUND.—Section 4613(b) of the
12 Balanced Budget Act of 1997 (Public Law 105–33; 111
13 Stat. 474) is amended by adding at the end the following:
14 “The report shall also include specific legislative rec-
15 ommendations to reduce waste, fraud, and abuse (if any)
16 in the determination of whether an individual is home-
17 bound without jeopardizing the services provided under
18 title XVIII of the Social Security Act to beneficiaries that
19 have serious medical conditions.”.

20 (d) CLERICAL AMENDMENT.—The table of contents
21 of title IV of the Balanced Budget Act of 1998 (Public
22 Law 105–33; 111 Stat. 270 et seq.) is amended by insert-
23 ing after the item relating to section 4615 the following:

“Sec. 4615A. Report to Congress on home health benefits based solely on draw-
ing blood.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section take effect as if included in the enactment of
3 the Balanced Budget Act of 1997 (Public Law 105–33;
4 111 Stat. 251 et seq.).

○